



UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700

JUN - 8 2004

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Paper Number: 8

In re application of :
Kojiro Okuyama et al : DECISION ON
Serial No. 10/027,620 : PETITION
Filed: December 19, 2001 :
For: DIELECTRIC CERAMIC COMPOSITION AND DIELECTRIC DEVICE:

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT -OFFICE ACTION NOT RECEIVED, filed November 10, 2003. The petition requests that the abandonment, as set forth in the Notice of Abandonment of October 24, 2003, for failure to timely file a proper response to the Office letter dated March 28, 2003 be withdrawn. The petitioner asserts that the Office letter of March 28, 2003 was not received by applicants.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action. See MPEP 711.03(c)(II).

The evidence presented is sufficient to establish that the Office letter of March 28, 2003 was not received by petitioner. The evidence provided includes a statement by the petitioner that the Office letter of March 28, 2003 was not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Office letter of March 28, 2003 was not received. Also provided are a copy of the attorney's application docket records where the Office letter of March 28, 2003 would have been posted had it been timely received, and a Declaration from the Docketing Supervisor, Jodi Gandel-Klein, who confirms that the Office letter of March 28, 2003 was never received for docketing.



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Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the examiner for prompt remailing of the above noted Office letter to the correspondence address and restarting of the statutory period of response from the remail date thereof.

The Petition is **GRANTED**.

A handwritten signature in cursive script, appearing to read "J. Stone", is written over a horizontal line.

Jacqueline Stone, Director
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Chemical and Materials Engineering

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